

**CITY OF CHARLEVOIX**  
**ZONING BOARD OF APPEALS MINUTES**  
**Wednesday, March 18, 2015 - 6:00 p.m.**  
210 State Street, City Hall, 2<sup>nd</sup> Floor Council Chambers, Charlevoix, MI

**(A) CALL TO ORDER**

The meeting was called to order by Chair Withrow at 6:05 p.m.

**(B) ROLL CALL/PLEDGE OF ALLEGIANCE**

Members Present: Greg Bryan, Ann Gorney, Pat Miller, Greg Withrow  
Members Absent: Gary Anderson, Bob Bergmann, Art Nash  
Staff Present: City Planner Michael Spencer

**(C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST**

None.

**(D) APPROVAL OF AGENDA**

The agenda was approved as presented.

**(E) APPROVAL OF MINUTES**

1. Motion to approve or amend the November 19, 2014 meeting minutes.

Motion by Member Miller, second by Member Gorney to approve the November 19, 2014 minutes as presented. Motion approved by unanimous voice vote.

**(F) NEW BUSINESS**

1. Public Hearing for Project 2015-01 ZBA. Sign variance request for Charlevoix Cinema, 107 Antrim Street.

- a. Staff presentation.

City Planner Spencer stated that the applicant is proposing to construct a marquee sign over the entrance to the building that has two faces and is partially lit from within. The only portion of the sign to be internally lit would be the display area which is 10'5" x 3'3", not the entire sign.

- b. Applicant presentation (if requested).

Mr. Luther Kurtz, 427 Michigan Avenue and owner of the Charlevoix Cinema III at 107 Antrim Street, introduced David Kimball, Architect for the project, who gave a presentation. Mr. Kimball stated the reason for the new signage was to clearly establish that the building was a theatre. He indicated this proposal would create a "theatre genre" bringing it in line with other theatres in small communities across the country, and provide better visibility for moviegoers.

- c. Call for public comments.

Dennis Kusina, 205 Elm Street and owner of property at Hurlbut and Bridge Streets, stated that the new signage was a great idea and he encouraged the Board to move forward with the request.

- d. ZBA determination of findings of fact.

City Planner Spencer stated that as in most variance requests, staff provides information on the variance request and leaves the decision to the Board. He stated that this was a unique situation and he further explained how wall signs were addressed within the City's Zoning Ordinance. City Planner Spencer indicated that the display area would be constantly changing with different movie titles, so it was difficult to determine exactly what the variance for allowable square footage would be.

Chair Withrow questioned whether the Zoning Ordinance included marquee signs and City Planner Spencer replied that there was a definition of marquee signs in the Ordinance, but no specific standards other than that a marquee sign has to meet the 30 sq. ft. wall sign standard.

Member Miller indicated that she was in favor of the request and thought that the proposed signage looked attractive. Member Gorney stated that she was supportive of the request and appreciated the additional lighting for the theatre.

e. Motion.

Motion by Member Bryan, second by Member Gorney to approve Project 2015-01 ZBA without conditions based on the Findings of Fact as contained herein.

Yeas: Bryan, Gorney, Miller, Withrow

Nays: None

Absent: Anderson, Bergmann, Nash

**(G) CALL FOR PUBLIC COMMENT ON NON-AGENDA ITEMS**

There were no members of the public present.

**(H) ADJOURNMENT**

The meeting was adjourned by Chair Withrow at 6:17 p.m.

There were no objections.

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Greg Withrow, Chair

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Joyce Golding/fgm, City Clerk